FILE COPY

Supreme Court, U. S.
FILED
MAY 24 1937
CHARLES ELMORE CROPLEY
CLERK

IN THE

Supreme Court of the United States

October Term, 1936—No. [redacted] 38

FIDELITY & DEPOSIT COMPANY OF MARYLAND,

Petitioner,

against

LOUIS H. PINK, Superintendent of Insurance of the State of New York, as Liquidator of the Southern Surety Company of New York,

Respondent.

MOTION OF SURETY ASSOCIATION OF AMERICA FOR LEAVE TO FILE BRIEF AS *AMICUS CURIAE.*

ALLAN C. ROWE,
ERNEST L. WILKINSON,
Counsel for Surety Association of America.

IN THE

Supreme Court of the United States

October Term, 1936—No. 943

FIDELITY & DEPOSIT COMPANY OF MARYLAND,
Petitioner,
against

LOUIS H. PINK, Superintendent of Insurance of the State of New York, as Liquidator of the Southern Surety Company of New York,
Respondent.

COMES NOW the Surety Association of America, by its counsel Allan C. Rowe and Ernest L. Wilkinson, and moves this Court for leave to file a brief as *amicus curiae* in the above-entitled cause, for the following reasons:

The decision of this Court upon the petition for a writ of certiorari will be of great importance to the forty-two surety companies which comprise the membership of the applicant Association. The case turns on the construction of a standard form of reinsurance agreement which was prepared and promulgated by the Association and has been adopted by all its members. The question involved in the case has arisen in the liquidation of several insolvent surety companies which have used the standard form to reinsure many of their risks with members of the applicant Association.

The brief of the *amicus curiae* does not argue the merits of the case but merely sets forth reasons why the petition for a writ of certiorari should be granted.

The applicant Association has notified counsel for the petitioner and counsel for the respondent of its intention to make this motion. Counsel for the petitioner have expressly consented to the filing of a brief by the applicant as *amicus curiae,* while counsel for the respondent has stated in writing that he has no objection to the same.

Dated, this 21st day of May, 1937.

ALLAN C. ROWE,

ERNEST L. WILKINSON,

Counsel for Surety Association of America.